

### **REMARKS**

The above amendments to the above-captioned application along with the following remarks are being submitted as a full and complete response to the Official Action dated September 27, 2004. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due consideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

#### **Status of the Claims**

Claims 1-12 are under consideration in this application. Claims 1-2 and 6-8 are being amended, as set forth in the above marked-up presentation of the claim amendments, in order to more particularly define and distinctly claim applicant's invention.

#### **Additional Amendment**

The claims and the Title are being amended to correct formal errors and/or to better recite or describe the features of the present invention as claimed. All the amendments are supported by the specification. Applicant hereby submits that no new matter is being introduced into the application through the submission of this response.

#### **Formality Rejection**

The Title of the Invention was objected to for being non-descriptive, and the Examiner has suggested that the Title be changed to "A Remote Control Network System for Remotely Controlling a Plurality of Electric Apparatus such as Home Appliances." As indicated, the Title is being amended as suggested by the Examiner. Accordingly, the withdrawal of the outstanding informality rejection is in order, and is therefore respectfully solicited.

#### **Allowable Subject Matter**

Claims 2 - 12 would be allowable if rewritten into independent form to include all the limitations of their base claim and any intervening claims. As the claims are being rewritten into independent form to include all the limitations of their base claim and any intervening claims, they are in condition for allowance.

### Prior Art Rejections

Claim 1 was rejected under 35 U.S.C. § 103(a) on the grounds of being unpatentable over US Patent No. 6,600,475 to Gutta et al. (hereinafter “Gutta”). This rejection has been carefully considered, but is most respectfully traversed.

The network system (e.g., Fig. 1) for remotely controlling a plurality of objects to be controlled including electric appliances (e.g., a refrigerator 8, a TV 9, an air conditioner 10, an lamp 11) of the invention, as now recited in claim 1, comprises: a video camera 1 of which a field of view or a controllable range 6 within the field is set to include said objects to be controlled and which detects only light of a particular wavelength region; a remote controller 4 for generating electromagnetic waves toward a given position within said field of view or within said controllable range 6 to form a light pointer 7 of said particular wavelength range at said position irradiated with said electromagnetic waves, and capable of remote controlling; and a control unit 3 that processes an output signal from said video camera 1 to detect at least one, indicated by said pointer 7, of said objects to be controlled, receives from said remote controller 4 an operation signal associated with the remote controlling on said indicated object, and supplies a control signal according to said operation signal through a network to said indicated object. When receiving said operation signal, said control unit 3 detects an operational state of said indicated object by using a database 3C3 (Fig. 7, e.g., the status table in Fig. 8; p. 24, last paragraph) storing operational states of said plurality of objects so as to determine the control signal for controlling said indicated object to operate according to said operation signal (p. 25, lines 20-26), so that said indicated object can be remotely controlled by said remote controller.

To remotely control the operation of a plurality of objects specifically, the control unit 3 of the invention needs to first determine the operational state of the pointed/indicated object, and then decide a proper control signal for operating a pointed/indicated object accordingly. For example, if the control unit 3 determines the refrigerator 8 is ON, it can sends a control sign to lower the temperature thereof directly; however, if the control unit 3 determines the refrigerator 8 was turned OFF by accident, it can sends a control sign to turn a relevant relay ON first, and then turns on the refrigerator 8 and lowers its temperature. It is important to decide its operation state first before making any change of operation of an object. As another example, “*if this*

*received signal is, for example, a command signal to make the air conditioner 10 in the on-state, the control signal decider 3A4 detects, from the apparatus status database 3C3, that this received signal is a signal of the status parameter of air conditioner 10, and that this air conditioner 10 is now in the off-state, and decides the control signal for turning air conditioner 10 on (p. 25, line 26 – p. 26, line 6)."*

Applicants respectfully contend that none of the cited prior art references teaches or suggests such a "control unit 3 which detects an operational state of said indicated object by using a database storing operational states of said plurality of objects so as to determine the control signal for controlling said indicated object to operate according to said operation signal" as the invention.

As admitted by Examiner (p. 4, lines 2-5 of the outstanding office action), Gutta only uses a human gesture to indicate/position a "desired cell" on a display plane, but does not "remotely control other objects." As Gutta fails to remotely control a plurality of objects, it does not establish a database storing operational states of the plurality of objects, nor does it provides a "control unit 3 which detects an operational state of said indicated object by using a database storing operational states of said plurality of objects so as to determine the control signal for controlling said indicated object to operate according to said operation signal" as the invention. None of the other cited references compensates for Gutta's deficiencies.

In addition, Applicants challenge the Examiner's assertion that "it is obvious for one skilled in the art to modify Gutta's system by providing a control unit that allows or supplies control signals to remotely controllable objects" shall be considered as common knowledge or well-known in the art only based upon concrete evidence in the record as the filing date of the application July 3, 2001. Remotely controlling multiple objects with (1) a single hand-held device, e.g., the teaching in Burleson et al (US. Pat. No. 6,717,528), or (2) a computer electrically connected with multiple objects via a series bus, e.g., the teaching in Humpleman et al (US. Pat. No. 6,603,488) were known before July 3, 2001. However, rather than directly control the object via (1) a wireless control signal from Burleson's single hand-held device or (2) an electrical signal sent from the Humpleman's computer through a hot wire, it is unique to *first* use a light pointer to identify an object which is shown in an image and desired to be controlled,

**then** send a proper operational signal to a control unit which then sends out a final control signal based upon the operation status of the object according to the invention.

"It is never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based. Zurko, 258 F.3d at 1385, 59 USPQ2d at 1697 ("[T]he Board cannot simply reach conclusions based on its own understanding or experience-or on its assessment of what would be basic knowledge or common sense. Rather, the Board must point to some concrete evidence in the record in support of these findings."). While the court explained that, "as an administrative tribunal the Board clearly has expertise in the subject matter over which it exercises jurisdiction," it made clear that such "expertise may provide sufficient support for conclusions [only] as to peripheral issues." Id. at 1385-86, 59 USPQ2d at 1697. As the court held in Zurko, an assessment of basic knowledge and common sense that is not based on any evidence in the record lacks substantial evidence support. Id. at 1385, 59 USPQ2d at 1697. See also In re Lee, 277 F.3d 1338, 1344-45, 61 USPQ2d 1430, 1434-35 (Fed. Cir. 2002) (In reversing the Board's decision, the court stated " 'common knowledge and common sense' on which the Board relied in rejecting Lee's application are not the specialized knowledge and expertise contemplated by the Administrative Procedure Act. Conclusory statements such as those here provided do not fulfill the agency's obligation. The board cannot rely on conclusory statements when dealing with particular combinations of prior art and specific claims, but must set forth the rationale on which it relies.".)" As such the Examiner shall provide "some concrete evidence in the record in support of factual assertion, rather than rely solely on "common knowledge" in the art as the principal evidence.

Even if, *arguendo*, it is obvious for one skilled in the art to combine Gutta and teachings regarding remotely control a plurality of objects, such as Burleson and/or Humpleman, such combined teachings would still fall short in fully meeting the Applicants' claimed invention as set forth in claim 1 since, as discussed, there is no teaching of "**first** using a light pointer to identify an object which is shown in an image and desired to be controlled, **then** sending a proper operational signal to a control unit which then sends out a final control signal based upon the operation status of the object" according to the invention.

Neither Gutta, other cited references, nor their combination teaches or suggests each and every feature of the present invention as recited in independent claim 1. As such, the present invention as now claimed is distinguishable and thereby allowable over the rejections raised in the Office Action. The withdrawal of the outstanding prior art rejections is in order, and is respectfully solicited.

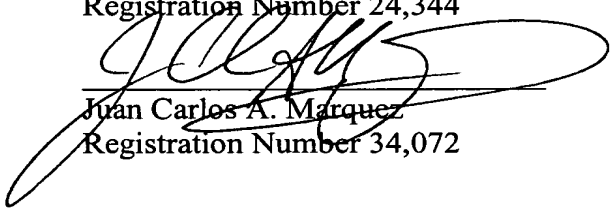
#### Conclusion

In view of all the above, Applicants respectfully submit that certain clear and distinct differences as discussed exist between the present invention as now claimed and the prior art references upon which the rejections in the Office Action rely. These differences are more than sufficient that the present invention as now claimed would not have been anticipated nor rendered obvious given the prior art. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicant's undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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SPF/JCM/JT